### 2011 DRAFTING REQUEST

### **Senate Amendment (SA-SB271)**

Received: 01/16/2012

Received: 01/16/2012  Wanted: Soon  For: Mary Lazich (608) 266-5400  May Contact:					Received By: jkuesel			
					Companion to LRB:			
					By/Representing: Andrew Hanus			
					Drafter: jkuesel			
Subject: Elections - miscellaneo			)us		Addl. Drafters:			
					Extra Copies:			
Submit	via email: YES							
Request	er's email:	Sen.Lazich	ı@legis.wisc	consin.gov				
Carbon	copy (CC:) to:					ć		
Pre Top	pic:						<del>7.4.2.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1</del>	
No spec	eific pre topic gi	ven						
Topic:				·				
Return	of absentee balle	ots						
Instruc	tions:	***************************************						
Per atta	ched E mail, 1/1	1/12. Change t	o read "If an	elector deliv	ers or mails an ab	sentee ballot,"	•	
Draftin	g History:	~						
Vers.	Drafted	Reviewed	Typed	Proofed	Submitted	Jacketed	Required	
/?	jkuesel 01/16/2012	wjackson 01/16/2012						
/1			jfrantze 01/16/201	2	mbarman 01/16/2012	mbarman 01/16/2012		
FE Sent	For:			<end></end>				

### 2011 DRAFTING REQUEST

Senate Amendment (SA-SB271)

Wanted: Soon

Companion to LRB:

Received By: jkuesel

For: Mary Lazich (608) 266-5400

By/Representing: Andrew Hanus

May Contact:

Subject:

Elections - miscellaneous

Drafter: jkuesel

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email:

Sen.Lazich@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Return of absentee ballots

Instructions:

Per attached E mail, 1/11/12. Change to read "If an elector delivers or mails an absentee ballot,...".

**Drafting History:** 

Vers.

Drafted

Reviewed

**Typed** 

Proofed

Submitted

Jacketed

Required

jkuesek 1/16/12/1Wj1/16 FE Sent For:

<END>

#### Kuesel, Jeffery

From:

Hanus, Andrew

Sent:

Wednesday, January 11, 2012 7:36 PM

To:

Kuesel, Jeffery

Subject:

Amendment to SB 271

Hi Jeff,

The Senator has asked that you draft an amendment to SB 271 (LRB-3340/1) that would do roughly the following (feel free to clean up the language):

- 1. Repeal 6.87(9), so that clerks may no longer return absentee ballots to electors who did not fill them out properly.
- 2. Modify the existing language in the SB 271 to read something like the following:

"If an elector <u>retums</u> an absentee ballot, the municipal clerk shall not <u>give back</u> the ballot to the elector. An elector who <u>returns</u> an absentee ballot at an election is not permitted to vote in person at the same election on election day.

- 3.. "Return" is defined as causing to be received by an election official.
- 4. An elector who intentionally violates this subsection is guilty of a class I felony.

We are looking to get this as soon as possible (as usual), however, I believe the earliest we would need this in committee would be Wednesday, 1/18.

Thanks Jeff,

Andrew Hanus Sen. Lazich's Office (608) 266-5400

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBa2108/1dn JTK():Y..... Y WY

Date

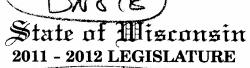
Senator Lazich:

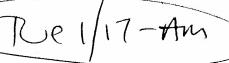
Currently, under (s. 12.13 (1) (e), stats., an elector who intentionally votes more than once in the same election is guilty of a class I felony. In my opinion, the act of voting absentee and voting in person in the same election constitutes a violation of this statute, unless there are circumstances that plausibly indicate a mistake or there is an issue of mental incapacity on the part of the offender. The purpose of SBO271, as I understand it, is to ensure a greater level of adherence to s. 12.13 (1) (e) in absentee voting situations by preventing electors from receiving both an absentee ballot and a regular ballot at the polling place in the same election.

g stats. 9

Jeffery T. Kuesel Managing Attorney Phone: (608) 266-6778









## PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION SENATE AMENDMENT,

### **TO 2011 SENATE BILL 271**

.1	At the locations indicated, amend the bill as follows:
$\bigcirc$	1. Page 2, line 2: delete "casts an absentee ballot, either by mail or in person,"
3	and substitute "mails or personally delivers an absentee ballot to the municipal
$\bigcirc$ 4	clerk;".
5	$\sqrt{2}$ . Page 2, line 3: delete "casts" and substitute "mails or personally delivers".
6	$\sqrt{3}$ . Page 2, line 4: after "ballot" insert "to the municipal clerk".
7	√4. Page 2, line 5: after that line insert:
8	(B) m - 1 "SECTION 27. 6.87 (9) of the statutes is repealed.".
9	(END)

# DRAFTER'S NOTE FROM THE LEGISLATIVE REFERENCE BUREAU

LRBa2108/1dn JTK:wlj:jf

January 16, 2012

#### Senator Lazich:

Currently, under s. 12.13 (1) (e), stats., an elector who intentionally votes more than once in the same election is guilty of a Class I felony. In my opinion, the act of voting absentee and voting in person in the same election constitutes a violation of this statute, unless there are circumstances that plausibly indicate a mistake or there is an issue of mental incapacity on the part of the offender. The purpose of SB 271, as I understand it, is to ensure a greater level of adherence to s. 12.13 (1) (e), stats., in absentee voting situations by preventing electors from receiving both an absentee ballot and a regular ballot at the polling place in the same election.

Jeffery T. Kuesel Managing Attorney Phone: (608) 266-6778